

EIGHTH DAY

(Monday, January 27, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 23, 1941, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Stone.

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Isbell.

Report of Standing Committee

Senator Moore submitted at this time the following report of the Committee on State Affairs:

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 29, A bill to be entitled "An Act to amend the subject

matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session; providing for determining the amount of contributions by employers and defining certain terms, and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass, and having had advance printing, it be not further printed.

MOORE, Chairman.

Advance Printing of Bill

On motion of Senator Martin, it was ordered that S. B. No. 31 be printed in advance of its consideration in committee.

Senate Bills on First Reading

The following Senate bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Moffett:

S. B. No. 63, A bill to be entitled "An Act amending Subdivision 83 of Article 1302, Title 32, Chapter 1, of the Revised Civil Statutes of the State of Texas, 1925, relating to the formation of private corporations to organize laborers, working men, wage earners, and farmers, to protect themselves in their various pursuits; vesting authority in the Commissioner of Labor Statistics to make investigation for charters and amendments to charters for laborers, working men, and wage earners; making a specific exception as regards farmers; and declaring an emergency."

To Committee on Labor.

By Senator Spears:

S. B. No. 64, A bill to be entitled "An Act defining 'Barber Board' and 'Board'; declaring policy to promote and protect the public welfare, health and safety in its control and

supervision of the barber business and barber profession as a public necessity; granting power and authority upon the State Board of Barber Examiners to make all necessary rules and regulations to govern the barber business, barber shops and barber colleges; granting power to investigate, conduct hearings, determine facts, fix minimum prices for services usually performed in the barber business to best protect the public health, welfare and safety with healthful, modern service at minimum danger considering cost, conveniences and sanitation; providing for notice of hearings with power to revoke rules, regulations or order without notice; to amend same where subject matter was considered at hearing made the basis thereof; granting authority to make and enforce rules and orders of general or local application, when necessary; providing for publication of rules, regulations or orders upon final adoption; granting power after notice and hearing to refuse, suspend and cancel barber license with provision for service of notice personally or by United States mail; providing for statement of reason for cancellation or suspension served personally or by mail; with power of the Board to refuse to issue or renew, suspend or revoke certificate of registration for violation of the provisions of this Act after at least twenty days notice in writing specifying charge; providing for representation at such hearing; power to summon witnesses and require production of books and records and to administer oaths; fixing manner of service of process; to compel attendance and fixing amount and manner payment of fees; providing power and duties of the Board to grant relief to the accused; providing for the Attorney General of Texas, the District Attorney or County Attorney to represent the Board at hearings conducted; providing for suits to be filed against the Board or appeal taken from the action of the Board by filing suit in the District Court of Travis County only; providing for the speedy trial of such suits and that orders of the Board are prima facie valid with burden of proof upon party complaining of law, rules, regulations or orders; providing no injunction shall be issued

against the Board, its members or orders, rules or regulations until service of citation and five days' notice has been given; the manner of service or notice; the relief that may be granted, with provision for bond and manner of determining amount of bond in favor of person or persons who may suffer damages; authorizing Board to institute suit, determine complaints and sue out process to enforce orders; providing a penalty recoverable in the name of the State for violation of provisions of the Act; making the Act cumulative of all other laws; providing a saving clause; repealing all laws in conflict herewith; providing this Act shall not be construed to amend or in any manner repeal the anti-trust laws of the State of Texas or the United States; and declaring an emergency."

To Committee on Public Health.

By Senator Metcalfe:

S. B. No. 65, A bill to be entitled "An Act amending Section 17A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature, as amended by Senate Bill No. 21, the same being Chapter 505 of the Acts of the Third Called Session of the Forty-fourth Legislature; as amended by Senate Bill No. 493, Acts of the Regular Session of the Forty-sixth Legislature; and declaring an emergency."

To Committee on State Affairs.

By Senator Martin:

S. B. No. 66, A bill to be entitled "An Act amending Article 4006 of the Revised Civil Statutes of Texas of 1925, relating to issuance of free passes by common carriers; and declaring an emergency."

To Committee on Highways and Motor Traffic.

By Senator Moore:

S. B. No. 67, A bill to be entitled "An Act permitting the State Board of Education to purchase and provide free text books for the teaching of the Spanish language in certain elementary grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

To Committee on Education.

By Senator Moore:

S. B. No. 68, A bill to be entitled "An Act repealing Section 7 of Senate Bill 259, Acts of the Regular Session of the Forty-fifth Legislature; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Resolution 19

Senator Hill offered the following resolution:

Whereas, It has come to the attention of members of the State Senate of Texas that numerous persons have been denied the right to have their eligibility for Old Age Assistance determined in the manner provided by law, in that they were denied application forms and that such aged persons were told by representatives of the State Department of Public Welfare, among other things:

1. That they had relatives capable of supporting them.

2. That no more applications were being received.

3. That no money was available to pay additional enrollees, which said alleged grounds for refusal of application forms, and the consequent summary rejection and denial of assistance would, if true, amount to a violation of the law, and might tend to deprive the worthy and deserving aged of assistance and deprive them of the right to appeal from a decision of the State Department of Public Welfare; and

Whereas, It appears that, under the law, the State Department of Public Welfare is not authorized to deny the aged of the State the right to assistance without an investigation of the merits of each case, predicated upon a form setting forth the facts with reference to the needs of the applicant and other matter pertinent to a determination of the facts; and

Whereas, The refusal by the State Department of Public Welfare to accept applications, if they have so refused, would be to deny to the aged of the State a right and privilege to have their eligibility for old age assistance determined in a legal way, result in discrimination and general dissatisfaction; now, therefore, be it

Resolved, That the Director of the State Department of Public Welfare, the three members of the Board, be

and they are hereby invited to appear in open session of the Senate of Texas, sitting as a Committee of the Whole Senate at 11:00 o'clock a. m., Tuesday, February 4, 1941, and state what the policy of the Board has been with respect to the foregoing matters and the truth or falsity of the allegations herein contained in order that this body may determine whether or not the law has been followed and whether or not it may be desirable and necessary further to amend the law, and for the purpose of answering any inquiry pertinent to the administration of said board.

HILL,
LOVELADY,
FAIN,
SULAK.

The resolution was read and was adopted.

Senate Resolution 20

Senator Brownlee offered the following resolution:

Whereas, The Texas Press Association is holding its biennial mid-winter session in Austin; therefore be it

Resolved, That members of the Association be given the privileges of the floor today.

BROWNLEE.

The resolution was read and was adopted.

Senate Concurrent Resolution 5

Senator Moffett offered the following resolution:

S. C. R. No. 5, Requesting the Federal Government to give material financial assistance to school districts near defense training centers.

Whereas, Under the National Preparedness Program many military training camps, naval air bases, airplane factories, and defense shipyards have been established in Texas, thereby bringing large numbers of men, in military service and also in civilian employment, into Texas from other States and from distant parts of this State; and

Whereas, Many of these men have been accompanied by their families, including their children, who are entitled to be furnished with suitable educational facilities, but said defense establishments are often lo-

cated in communities which possess only small population, and very inadequate resources and school facilities, and which cannot, therefore, meet the needs of the many new scholastics without sizeable outside assistance; and

Whereas, The State Legislature already has under consideration the question of the re-allocation of the State scholastic apportionment to partially supplement the running expenses of such schools, but cannot speedily provide for adequate school buildings and collateral equipment needed for the sudden increase in scholastic population; and

Whereas, This urgent and critical need for additional school buildings and equipment is caused solely by the National emergency and is not required for the children of the permanent residents of the communities in question; and

Whereas, The local taxpayers should not be required to vote a heavy bond issue to be paid off over a long period of years, the proceeds of which would be used in constructing buildings to be used only in the current emergency; now, therefore be it

Resolved, by the Senate, the House of Representatives concurring, That the Congress of the United States be hereby respectfully requested to make available, as soon as may be possible, sufficient funds to provide adequate school buildings and collateral equipment for the children of the men who have left their former homes to serve the National Preparedness Program in the State of Texas; and be it further

Resolved, That a copy of this resolution be forwarded to each member of the United States Congress from Texas.

MOFFETT,
METCALFE,
LANNING,
AIKIN,
SHIVERS.

The resolution was read.

Senator Moffett moved that the constitutional rule relating to the consideration of concurrent resolutions during the earlier days of the regular session be suspended and that the resolution be considered at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

The resolution was adopted.

Senate Concurrent Resolution 6

Senator Moffett offered the following resolution:

S. C. R. No. 6, Authorizing the lending by the State Highway Department of guard wire to the City of Vernon.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Wilbarger County, and adjacent counties; and

Whereas, The City of Vernon and the Vernon Park System anticipate a large number of people attending county school meets to be held in the near future; and

Whereas, It will be necessary and important to said City of Vernon to fence its grounds; and

Whereas, It would be a great accommodation to said City of Vernon and its Park System, if the State Highway Department were permitted to loan said City the discarded wire hereinabove mentioned for the purpose of fencing the grounds; now, therefore be it

Resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the City of Vernon sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said City of Vernon

to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read and was referred to the Committee on Highways and Motor Traffic.

Senate Concurrent Resolution 7

Senator Moffett offered the following resolution:

S. C. R. No. 7, Authorizing the lending by State Highway Department of guard wire to Iowa Park Independent School District.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire in Wichita County; and

Whereas, The Iowa Park Independent School District of Wichita County anticipates a large number of people attending athletic events to be held in the near future; and

Whereas, It will be necessary and important to said school district to fence the grounds where said athletic events will be held; and

Whereas, It would be a great accommodation to said school district if the State Highway Department were permitted to loan said district the discarded wire hereinabove mentioned for the purpose of fencing grounds; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to the School Board of the Iowa Park Independent School District sufficient quantities of the discarded wire hereinabove mentioned for the purposes as hereinabove set out, said School Board to return such wire upon request of the State Highway Department; and it is so resolved.

The resolution was read and was referred to the Committee on Highways and Motor Traffic.

Senate Resolutions 21 and 22

(To Adopt Permanent Rules)

Senator Metcalfe offered the following resolutions:

Senate Resolution 21

Be It Resolved by the Senate of the State of Texas, That the following Rules Nos. 102, 103, 104, 106 and 107 are adopted by the Senate:

Time Limit for Introduction and Consideration of Bills

102. It shall be in order to introduce bills during the first sixty calendar days of the session, and to have the same referred to a proper committee. Provided, however, that at any time during the session, resolutions, emergency appropriations, emergency matters specifically submitted by the Governor in special messages to the Legislature, and local bills (as defined in Rule 104) may be introduced, referred to a committee, and disposed of under the General Rules of the Senate. The Senate may act upon the appointments (recess or otherwise) of the Governor at any time during the session.

Suspension of Time Limit Rule

103. Except as otherwise provided in Rule 102, no bills shall be introduced after the first sixty calendar days of the session. Provided, however, this rule may be suspended by the affirmative vote of four-fifths of the members of the Senate.

Introduction and Consideration of Local Bills

104. The constitutional procedure with reference to the introduction, reference to a committee, and the consideration of bills set forth in Article III, Section 5, of the Constitution, shall not apply to local bills hereinafter defined, and the same may be introduced, referred, reported, and acted upon at any time under the general rules and order of business of the Senate.

A local bill is defined for the purposes of this rule as an Act the provisions of which relate to or affect directly a defined locality, district, or section of the State, but which do not affect directly the State at large, and the operation of which is confined solely to a particular locality, district or section of the State.

Suspension of Rule Limiting Consideration of Bills

107. It shall be in order for committees to consider bills and resolutions at any time during the Session, make reports thereon, and file the same with the Senate.

Senate Resolution 22

Be It Resolved by the Senate of the State of Texas, That the Senate

Rules of the Forty-fifth Legislature, as amended by the Forty-sixth Legislature, be adopted as the Permanent Rules of the Forty-seventh Legislature, with the following amendments:

4. Upon every roll call the names of the members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the county shall be added.

It shall be in order to move a call of the Senate at any time to secure and maintain a quorum for the following purposes:

(a) For the consideration of a specific bill, resolution or other measure.

(b) For a definite period of time or for the consideration of any particular class of bills.

When a call of the Senate is moved for one of the above purposes and seconded by five members, the doorkeeper shall close the main entrance of the Hall, and all other doors leading out of the Hall shall be locked and no member be permitted to leave the Senate without written permission of the presiding officer until after the subject matter upon which the call was ordered has been disposed of. The Secretary shall call the roll of members and note the absentees and those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested wherever they may be found, by the Sergeant-at-Arms or officers appointed by him for that purpose, and their attendance secured and retained, and the Senate shall determine upon what conditions they shall be discharged. Members who voluntarily appear shall, unless the Senate otherwise directs, be immediately admitted to the Hall of the Senate and they shall report their names to the Secretary to be entered upon the Journal as present. Until a quorum appears, should the roll call fail to show one present, no business shall be done except to compel the attendance of absent members or to adjourn.

When a quorum is shown to be present, the Senate may proceed with the matters upon which the call was ordered, or may enforce and await the attendance of as many of the absentees as it desires to have present. If the Senate decides to proceed, the

Sergeant-at-Arms shall not be required to bring in other absentees unless so ordered by a majority vote of the Senate.

A call of the Senate for one of these purposes shall be ordered only by a majority vote of those present, and when ordered, the same procedure shall be followed as set forth above for securing and maintaining a quorum.

10. The names of the Senators shall be called alphabetically; should a quorum not be in attendance, a majority of those present shall be authorized to send the Sergeant-at-Arms, or a special messenger, for the absentees; when there is a quorum present, prayer shall be offered by the Chaplain and then the Journal of the preceding day shall be read and corrected, if necessary.

11. The President then shall call:

- (1) For petitions and memorials.
- (2) For reports from standing committees.
- (3) For reports from select committees.
- (4) For bills on first reading.
- (5) For introduction of resolutions.
- (6) For messages and executive communications.
- (7) For motions to print on minority reports, to print or not to print bills or other matters, and other routine motions not otherwise provided for herein, all of which shall be decided without debate, except that the mover of the proposition shall be allowed not more than three minutes to state the nature and purpose of the measure.

This concludes the morning call, which the President shall announce to the Senate.

11a. During the morning call, it shall not be in order for the President to entertain any motion or to recognize any member for any other purpose except as provided in Rule 11, and all motions permitted under the morning call shall be disposed of without debate.

11b. At the conclusion of the morning call, the Senate shall proceed to consider business on the President's table, which shall be disposed of in the following order:

- (1) Unfinished business.
- (2) Special orders.

- (3) Senate Joint Resolutions.
- (4) House Joint Resolutions.
- (5) Senate Resolutions.
- (6) Senate Concurrent Resolutions.
- (7) House Concurrent Resolutions.
- (8) Senate Bills on third reading.
- (9) Senate Bills on second reading.
- (10) House Bills on third reading.
- (11) House Bills on second reading.

11c. After the morning call has been concluded on calendar Wednesday and calendar Thursday of each week, only House Bills on special order and on third and second readings, respectively, shall be taken up and considered until disposed of, and in case one should be pending at adjournment on Thursday, it shall go over until the succeeding calendar day until disposed of.

11d. Any bill, resolution, or other measure may on any day be made a special order for a future day of the session by an affirmative vote of two-thirds of the members present, and, when once established as a special order, shall be considered from day to day until disposed of.

(Note: Rules 11a and 11b of the Forty-fifth and Forty-sixth Legislatures are hereby superseded by the foregoing rules.)

20. While a member has the floor no member shall interrupt him or otherwise interrupt the business of the Senate except for the purpose of making a point of order, calling him to order, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided; and any member shall, though another member has the floor, be recognized by the presiding officer, and be in order to call to order the member, to make a point of order, or to move the previous question, or to demand that a point of order be immediately decided.

38. All amendments proposed to the Constitution shall be subject to rules that govern the proceedings on bills, but shall only be passed by a vote of two-thirds of the members elected to the Senate. (See Constitution, Art. XVII, Sec. 1.) When a resolution proposing an amendment to

the Constitution has once received the votes of two-thirds of the members elected to the Senate, it shall be declared adopted. When a proposed amendment to the Constitution may be under consideration, the votes of a majority of the members present shall be sufficient to decide an amendment thereto, or any collateral or incidental questions short of the final question.

45. Any member shall have the privilege to have spread upon the Journal of the Senate a brief statement of his reason for any vote he may cast.

62. (a) A vote of two-thirds of all members elected to the Senate shall be required for the final passage of amendments to the Constitution. (See Constitution, Article XVII, Sec. 1.)

(b) A vote of two-thirds of all the members present shall be required:

(1) In cases of great public calamity to release the payment of taxes. (See Constitution, Article VIII, Sec. 10.)

(2) For the passage of bills that have been returned by the Governor with his objections. (See Constitution, Article IV, Sec. 14.)

(3) For the final passage of bills to reduce a county to a less area than nine hundred square miles. (See Constitution, Article IX, Sec. 1.)

(4) For the passage of an address to the Governor for the removal of any civil officer. (See Constitution, Article XV, Sec. 8.)

(5) For the impeachment of any officer. (See Constitution, Article XV, Sec. 3.)

(6) To expel a member. (See Constitution, Article III, Sec. 11.)

(7) To adopt an amendment at third reading of a bill or joint resolution.

(8) To postpone or change the order of business.

(9) To suspend any rule of the Senate.

(10) To excuse absentees.

(Note: Rule 64 of the Forty-fifth and Forty-sixth Legislatures is hereby superseded by the foregoing Rule 62.)

92. Persons hereinafter named and no other, shall be admitted to the Senate Chamber while the Senate is in session, viz.:

(1) The members of the Senate and their families, Secretary of the Senate and members of his family, employees of the Senate and House of Representatives when on official business, Representatives, the Governor and his private secretary, the Lieutenant Governor and members of his family, the President and Vice-President of the United States, United States Senators and members of Congress, Governors of other states, judges of the Supreme Court, the Courts of Criminal and Civil Appeals, duly accredited newspaper reporters and correspondents and radio commentators who have complied with Sections 2 and 3 of this rule. It shall be the special duty of the President to see that officers and employees remain upon the floor of the Senate only when actually engaged in the performance of their official duties.

No newspaper reporter, or other person whomsoever, whether a state officer or not, except the Governor, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event, be permitted upon the floor of the Senate or in the rooms leading thereto, when the Senate is in session.

(2) While the Senate is in session, no person shall be admitted to the floor of the Senate or allowed its privileges, as a press correspondent or radio commentator, unless said person is a regularly employed, salaried, staff correspondent or reporter in the employ of a newspaper or press association serving newspapers, or publications requiring telegraphic coverage, or unless said person is a regularly employed, salaried employee of a duly licensed radio station.

Any person seeking admission to the floor of the Senate under the foregoing provisions must present to the Committee on Rules fully accredited credentials from his publication or radio station showing that he is engaged primarily in reporting the sessions of the Legislature while the Legislature is in session. Regularly accredited staff correspondents, or radio commentators, who have duly qualified under the provisions of this rule, may, when requested to do so, make recommendations through their standing committees to the Committee on Rules as to the sufficiency or insufficiency of credentials of any person seeking admission to the floor of the Senate under this rule.

If the Committee on Rules shall determine that such credentials come within the contemplation of this rule, said committee shall so notify the President in writing who shall issue a pass card to such person, and this pass card which shall not be transferable must be presented to Doorkeeper at all times when said person seeks admission to the Senate while the same is in session. Persons being admitted to the Senate pursuant to the provisions of this rule shall be assigned appropriate and convenient seats in the Senate by the President.

If any person, admitted to the Senate under this rule shall lobby or work for or against any pending or prospective legislation or shall violate any of the other rules of the Senate, the privileges extended to said person under this rule shall be suspended by a majority of the Committee on Rules. The action of the committee shall be reviewable by the Senate only if two members of the committee request an appeal from the decision of the committee, which appeal shall be in the form of a minority report and shall be subject to the same rules that are applicable to minority reports on bills. Suspension shall remain in force until the accused person purges himself and comes within the rules or until the Senate by majority vote reverses the action of the committee.

(3) Every newspaper reporter and correspondent, and radio commentator, before being admitted to the Senate during its session, shall file with the Committee on Rules a written statement showing the paper or papers which he represents, and certifying that no part of his salary or compensation is paid by any person, firm, corporation or association except the paper or papers or radio station which he represents.

(4) It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule, or to present from the Chair the request of any member for unanimous consent.

(5) At all times, other than morning sessions, it shall be the duty of the Sergeant-at-Arms and his assistants to clear the Hall of all persons not entitled to the privilege thereof, five minutes before the hour of the meeting of the Senate.

(6) Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee; provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employees of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employee violate this rule, the same shall be cause for dismissal from the service of the Senate by the President.

(7) Solicitors and collectors shall not be admitted to the Senate during its sessions.

93. The President of the Senate shall decide all questions not provided for by the standing Rules of Order of the Senate, and Joint Rules of Order of both branches of the Legislature, according to parliamentary practice, laid down by approved authors subject to appeal to the entire Senate, as in other cases.

99b. If a motion to report a bill or resolution favorably does not receive a majority vote, the bill or resolution shall be dead. Likewise, if a motion to report a bill or resolution unfavorably receives a majority vote, the same shall be dead. When a bill or resolution has been killed by a committee, a favorable minority report may be made, provided notice thereof is given by two members of the committee, if the committee is composed of ten or less, and three members if composed of more than ten, present at the time the bill is killed, and who voted on the minority side; this report must be in writing, and signed by the members giving notice, and must be filed with the Senate within two calendar days from the time such action was taken by the committee (Sundays and days the Senate is not in session excepted). Unless one of the members signing the minority report or the sponsor of the bill makes a motion in the Senate to have the same substituted for the majority report within five calendar days (Sundays and days the Senate is not in session excepted) from the time said minority report was filed with the Senate, said bill

or resolution shall be dead, and shall not again be considered during the session. It shall take the affirmative vote of a majority of the members of the Senate, present, but in no event less than fifteen affirmative votes, to substitute a minority report for the majority report, provided that any motion to substitute the minority for the majority report shall be privileged and shall be decided without debate, except that the mover of the proposition shall be allowed not more than three minutes to state the nature and purpose of the measure.

99c. If a committee substitute is adopted by the committee for the pending bill or resolution, and such substitute receives a favorable report, the same shall be reported back to the Senate in lieu of the original bill or resolution. The original bill or resolution, for which the substitute was adopted, shall be dead unless reported to the Senate and handled under the same procedure as herein provided for minority reports. The substitute, when reported back to the Senate, shall take the same procedure as an original bill or resolution, and no action shall be required on the part of the Senate to confirm the substitution made by the committee.

On motion of Senator Metcalfe, the reading of the resolutions was omitted.

The resolutions were referred to the Committee on Rules.

House Concurrent Resolution 19

The President laid before the Senate:

H. C. R. No. 19, Inviting Major General Paul B. Malone to address a joint session of the Legislature at 11:00 o'clock a. m., February 3, 1941.

The resolution was read and was adopted.

Message from the Governor

An assistant secretary to the Governor was announced by the Doorkeeper and recognized by the President to present the following message, which was read to the Senate:

January 27, 1941.

To the Members of the Forty-seventh Legislature:

I have been asked by some members of the Senate to submit the subject of load limit on trucks for

emergency legislation, in order that it can be considered immediately and so that the Senate will have something to work on during the period when organization and adoption of rules is taking place in the House of Representatives.

In line with the request of these Senators and in view of the serious hardships being caused daily by the restriction of truck load limits to 7,000 pounds, I am submitting as emergency legislation the entire load-limit bill exactly as it now stands on our statute books, with the single exception that the weight as specified in that bill be changed from 7,000 pounds to 14,000 pounds.

I am submitting it in this form because the emergency is too great to permit a lengthy discussion of the new and fancy bill which is now being proposed by some people. The suggested scientific load-limit bill appears to be entirely too scientific to fit our emergency. Farmers, ranchers, and truckers have worried along now for many years and suffered under the most unscientific bill that could possibly be devised. It occurs to me, therefore, that, instead of devoting several weeks or months to academic discussion and scientific argument, we might as well be a little practical and just scratch out the "7,000 pounds" in the present law and insert instead "14,000 pounds", thereby bringing immediate relief to the suffering farmers, stockraisers, and others in this State whose interests are adversely affected by the provisions of the existing statute.

I take it for granted that every member of the Texas Legislature who is sympathetic to the scientific load limit bill is sincere in his opinion that it is a good proposal, and I am one who agrees with that proposition. I am in favor of a scientific load limit bill, but I am fully convinced that to argue out the many intricate details of that proposal, while our load limit remains at 7,000 pounds, will result in such confusion and in such delay that the bill will not be passed.

On the other hand, if you first raise the load limit to 14,000 pounds, I believe a scientific bill can then be passed. At least, the farmers, and stockmen, and others will not

suffer while a lengthy debate is in progress.

I have learned much during my brief experience with affairs of state, and one of those lessons which stands out like the proverbial sore thumb is that the diplomatic opponents of certain legislation will say that they are in favor of that legislation and then will start advocating many and devious ways of going about the job, with the sole idea, of course, of stirring up debate, providing reasons for delay, and creating so much dissension that nothing will be accomplished.

While I believe that every member of the Legislature with whom I have talked who favors increasing the load limit is sincerely in favor of some kind of a scientific load-limit bill, yet I am sure there are other powerful, tactful and influential people outside of the Legislature who oppose raising the truck load limit who are anxious for this scientific load-limit bill to be considered because they believe its many details and complexities will cause confusion and dissension among the Legislators who honestly want to raise the load limit, and, after long and heated debate, will eventually and unpassed, leaving on our books for two more years the same unjust load-limit law we now have, and our farmers, ranchers, and other truckers, to suffer for two more years as they have suffered ever since this present unjust load-limit law was enacted.

What the truckers want is to haul more weight on their trucks, so I suggest that, as a first step, we dispense with the frills and give them what they want and what they are entitled to, and then after that is done, use all the time needed in debating the scientific principles of the size of the tires, the width of the brakes, the size of the I-beams, the distance between tires, and other matters.

It is my belief that all who are sincere in really wanting to raise the load limit on trucks will join in securing this emergency legislation, and raise the limit first, then after that they can work out the scientific theories, while the truckers go about earning an honest living for their families.

There is not a mile of highway in Texas now on which it is illegal to

haul a load of 14,000 pounds. The violation of the law occurs when the 14,000-pound load passes a railroad station. If that is not a silly law and a rank discrimination against every farmer and rancher, and other person in Texas who want to haul their products by truck, and if it is not class legislation of the worst type, I do not know what you would call it.

I want to again repeat that I realize the making and changing of our laws rests entirely in the hands of the Legislature. It is only my right to recommend, and this I am now doing.

I recommend that you take prompt action on the attached bill, changing the present 7,000-pound limit to 14,000 pounds, and I submit this bill as emergency legislation.

Most respectfully yours,
W. LEE O'DANIEL,
Governor of Texas.

Proposed Bill Relative to
Truck Load Limit

A BILL
TO BE ENTITLED

"An Act to amend the subject matter embraced in Article 827a, Section 3, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, Section 3; amending Article 827a, Section 5, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, Section 5; and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

Be It Enacted by the Legislature of the State of Texas:

Section 1. That Article 827a, Section 3, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, Section 3, be, and the same is, hereby amended so as to read as follows:

"Sec. 3. (a) No vehicle shall exceed a total outside width, including any load thereon, of ninety-six (96) inches, except that the width of a farm tractor shall not exceed nine (9) feet, and except further, that the limitations as to size of vehicle stated in this section shall not apply to implements of husbandry, including

machinery used solely for the purpose of drilling water wells, and highway building and maintenance machinery temporarily propelled or moved upon the public highways.

"(b) No vehicle unladen or with load shall exceed a height of twelve feet six inches (12'6"), including load.

"(c) No motor vehicle, commercial motor vehicle, truck-tractor, trailer, or semi-trailer shall exceed a length of thirty-five (35) feet, and no combination of such vehicles coupled together shall exceed a total length of forty-five (45) feet, unless such vehicle or combination of vehicles is operated exclusively within the limits of an incorporated city or town.

"(d) No train or combination of vehicles or vehicle operated alone shall carry any load extending more than three (3) feet beyond the front thereof, nor, except as hereinbefore provided, more than four (4) feet beyond the rear thereof.

"(e) No passenger vehicle shall carry any load extending more than three (3) inches beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof; provided, that the total over-all width of such passenger vehicle shall in no event exceed ninety-six (96) inches, including any and all such load.

"(f) Immediately upon the taking effect of this Act, it shall thereafter be unlawful for any person to operate or move, or for any owner to cause to be operated or moved, any motor vehicle or combination thereof over the highways of this State which shall have as a load or as a part of the load thereon any product, commodity, goods, wares or merchandise which is contained, boxed or bound in any container, box or binding containing more than sixty (60) cubic feet and weighing more than one thousand (1000) pounds where there are more than fourteen (14) of such containers, boxes or bindings being carried as a load on any such vehicle or combination thereof; provided, that no number of any such containers, boxes or bindings shall be carried as the whole or part of any load exceeding fourteen thousand (14,000) pounds on any such vehicle or combination thereof; and provided, that if this sub-section is for any reason held to be unconstitutional and invalid, such decision shall

not affect the validity of the remaining portions of this Act, and the Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that this section be declared unconstitutional; providing, further, that if this Act or any section, sub-section, sentence, clause or phrase thereof is held to be unconstitutional and invalid by reason of the inclusion of this section, the Legislature hereby declares that it would have passed this Act and any such section, sub-section, sentence, clause or phrase thereof without this section."

Section 2. That Article 827a, Section 5, Vernon's Revised Civil Statutes, 1925, as amended Acts 1931, Forty-second Legislature, page 507, Chapter 282, Section 5, be, and the same is, hereby amended so as to read as follows:

"Sec. 5. No commercial motor vehicle, truck-trailer, trailer or semi-trailer shall be operated on the public highway outside of the limits of an incorporated city or town with a load exceeding fourteen thousand (14,000) pounds on any such vehicle or train or combination of vehicles; and no motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer having a greater weight than twelve hundred (1200) pounds per inch width of tire upon any wheel concentrated upon the surface of the highway shall be operated on the public highways outside of the limits of an incorporated city or town."

Section 3. The fact that the farmers and ranchmen of this State cannot now economically transport farm and ranch products to market when limited to a load of seven thousand (7000) pounds, together with the fact that the low load limit now in existence is causing the number of trucks upon the public highways to be increased, with the result that the lives and property of motorists upon the highways are greatly endangered and collisions between passenger motor vehicles and trucks are greatly increasing with a corresponding loss of lives and damage to property, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be, and the same is, hereby suspended and that this Act take effect and be in

force from and after its passage, and it is so enacted.

Senate Resolution 23

Senator Moore offered the following resolution:

Be It Resolved by the Senate of Texas, That the period of time for which the temporary rules of the Senate for this session were adopted be extended through February 3, 1941.

The resolution was read and was adopted unanimously.

Signing of Resolution

The President signed in the presence of the Senate the following enrolled resolution:

H. C. R. No. 18, Authorizing adjournment of the House and/or Senate from Thursday, January 23, 1941, to Monday, January 27, 1941.

Senate Bill 29 on Second Reading

On motion of Senator Shivers and by unanimous consent, the regular order of business was suspended and Senate rules 31a and 48 were suspended severally, to permit consideration of S. B. No. 29 at this time.

The President laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 29, A bill to be entitled "An Act to amend the subject matter embraced in Section 7, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, as amended by Section 3, Chapter 67, General and Special Laws, Forty-fifth Legislature, Regular Session, as amended by Section 4, Chapter 2, General Laws, Forty-sixth Legislature, Regular Session; providing for determining the amount of contributions by employers and defining certain terms, and providing for the effective date of the Act and for the repeal of all laws and parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 29 on Third Reading

Senator Shivers moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 29 be

placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

Message from the Governor

The following message, received from the Governor today, was referred to the Committee on Nominations of the Governor:

January 27, 1941.

To the Senate of the Forty-seventh Legislature:

On January 23rd I sent a message to the Senate which read, in part, as follows:

"I ask the advice, consent and confirmation of the Senate to the following appointments

"To be a Member of the Board of Water Engineers, for a six year term expiring August 19, 1945:

"C. S. Clark of Austin, Travis County (reappointment)"

I wish to substitute the following to correct the record as to Mr. Clark's residence:

I ask the advice, consent and confirmation of the Senate to the following appointment:

To be a Member of the Board of Water Engineers, for a six year term expiring August 19, 1945:

C. S. Clark of Donna, Hidalgo County.

Respectfully submitted,

W. LEE O'DANIEL,
Governor of Texas.

Joint Session

At 11:00 o'clock a. m., the President announced that the hour fixed for a joint session of the Senate and House to hear an address by Hon. T. V. Smith had arrived.

Accordingly, the President of the Senate and Senators present proceeded to the Hall of the House and were duly announced and escorted to seats reserved for them.

The President, on invitation of the Speaker, occupied a seat at the Speaker's desk.

The President announced the purpose of the joint session and directed the Secretary to call the roll of the Senate.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

A quorum of the Senate was announced present.

The Speaker (Mr. Sallas in the Chair) requested the members of the House to register.

A quorum of the House was announced present.

Hon. T. V. Smith was escorted to the Speaker's stand by a committee composed of Senators Smith, Aikin, Vick, Winfield and Mauritz, on the part of the Senate and Representatives Files, Carrington, Whitesides, Stanford and Kelley, on the part of the House.

The Speaker of the House presented Dr. Homer P. Rainey, President of The University of Texas, who introduced Hon. T. V. Smith to the joint session.

Hon. T. V. Smith then addressed the joint session.

At the conclusion of the address the President announced the business of the joint session concluded, and the Senate repaired to its Chamber.

In the Senate

The President called the Senate to order at 12:10 o'clock p. m.

Adjournment

On motion of Senator Moore, the Senate, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

NINTH DAY

(Tuesday, January 28, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Fain	Moore
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield

Absent—Excused

Cotten	York
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with, and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of important official business, on motion of Senator Brownlee.

Senator Cotten was granted leave of absence for today on account of important business, on motion of Senator Van Zandt.

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Lovelady:

S. B. No. 69, A bill to be entitled "An Act amending Subsection (18), of Section 16, Article I, Ch. 448, General and Special Laws of the Regular Session of the Forty-fifth Legislature, which amended Subsection (n), Section 15, Article I, Ch. 467, of the General and Special Laws of the Second Called Session of the Forty-fourth Legislature, by adding provisions thereto providing that drug stores holding a medicinal permit in dry areas shall display no liquor; providing that physicians who write prescriptions for liquor shall secure a permit therefor, shall prescribe in case of illness only, shall write no prescription for a fee of less than \$1.00, and shall keep records as herein specified; providing that such permit shall be for one year only, and shall require a fee of \$10.00; and providing that any physician who writes prescriptions for liquor shall not own any interest in any drug store at which said prescriptions are filled, and shall not office in the same building with any drug store where said prescriptions